

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

ALFRED DAVIS JR / STEWART JORDAN 3556492

MARTY WOODS, JACQUEL WHITE

BRODER TOWSE, DAVID MCCLINTON

STAFF WOULD NOT WORK

KELLY DAVIS, BRENDA GROWEN

ME TO GET INMATE #

(Enter above the full name of the plaintiff

(Inmate Reg. # of each Plaintiff)

or plaintiffs in this action). SAANTIQUE WHITE

(DANNY NA)

COLEMAN

VERSUS

CIVIL ACTION NO.

3120-CV-00592

(Number to be assigned by Court)

KIRK A. BRIDGE / MAJOR

HEMIK G / LT. DAVIS

AMANDA MC GREW / MEDICAL

STAFF

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes _____

No X

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

USA

Defendants:

2. Court (if federal court, name the district; if state court, name the county);

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement:

William Regula, Jr.

- A. Is there a prisoner grievance procedure in this institution?

Yes No

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No

- C. If you answer is YES:

1. What steps did you take? I sent multiple emails,
GRIEVANCES & Appeal FORMS
2. What was the result? NOTHING & 11 more
orders. Little too NOTHING

2. What was the result? NOTHING 3 1/2 RE
ORDERS LITTLE TOO NOTHING

- D. If your answer is NO, explain why not:

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

- A. Name of Plaintiff: ALOREN CUTO/DAVIS JR. # 3556498

Address: 06-04461p/ RUMBERVILLE-WV 25504

- B. Additional Plaintiff(s) and Address(es): Stanley Ford, Rm 10

TOWNE, KELLY DAVID, BRENDAN GARDNER, DIONNE
MCCLINTON, JOURNAL KITE, MARY LUNGE/
DANNY VA SCAUTIQUE IN KIT FIELD (DEAD)

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

- C. Defendant: ALB KOBIDGE
 is employed as: SUPERINTENDENT
 at WRJ
- D. Additional defendants: MAJOR THOMAS G. LT DAVIS
MEDICAL STAFF AND DR. MCGREW
(OUTSIDE PRISON DIRECTOR)

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Now comes Amador Davis Jr. and (1 of 8)
plaintiffs. I have tried to gain fairness,
equal treatment, and transparency from
the Western Regional Jail for myself and
the inmates who were also involved in a
Major issue that occurred on 3/29/20.
However, I am left with no resource but
to submit this complaint. In this I

IV. Statement of Claim (continued):

shall outline a number of facts and (2 of 8)
 issues alone. Not hyperbole nor conjecture
 and allow the courts to determine if we
 have a sufficient claim, allow me to
 qualify: clause 1.) I, and the other named
 plaintiffs minus Toney and Jordan III were
 alleged to have been involved in a Assault
 and Battery that occurred on 3/29/20,
 including myself and several other court...

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
 Cite no cases or statutes.

I request \$1,000 dollars for everyday
 I spent in the hole. \$100,000 for being
 subjected to Systemic Racism, denial of
 due process pain and suffering while
 inside segregation as I have previous heart
 and mental issues staff's indifference in
 exposing us to the possible Covid issues
 and bringing Toney into the pool, a culture
 of fear that I have to live with and

Issue I Continued.)

(3 of 8)

"White" inmates. All of the "white" inmates escaped discipline and culpability. All of the black inmates, including myself were taken to the hole within a 24 hour period. When asked why no white inmates who were also involved were going to the hole, the Lt. Diamond said it was quote "still under investigation", yet there was no need to investigate any further, besides the review of the video tape, when it came to all of the alleged black participants. But more investigation "was" needed when it came to the "white" inmates. All of the black participants were written up as a 1.08 write up. This states (possession of a weapon). When it should have been a 1.02. Accordance with the charge Assault and Battery. On 4/4/20, I had a conversation with C.O. / Hearing officer Mr. Smidicot, he told me if I took a "plea" that the jail would drop it to a Fight. I declined the "plea" and he then brought me a continuance signed by Sgt. Brewer. I was told that I would receive a hearing on the following week, but this date came and went. On 4/15/20 I submitted a grievance which was never returned. On 4/27/20 I submitted another one, this one had no response to it, but had a # 20-WRJ-A5-292 listed. After doing several more weeks in the hole, I received a refusal

Issue 1 Continued.)

(4 of 8)

order on the ticket because it was alleged that I would not leave the hole. I was found guilty and appealed it on 5/15/20 and turned it into C.O. Starberry. Never did I receive a response on that. I have all documentation on these things and can prove easily if required. Not only was the tickets written up wrong, but my ticket had the wrong C.I.D.# on it as well. Lt. Davis personally identified all of the black inmates yet wasn't able to identify any white inmates, interesting? I was forced to do 8 weeks in the hole without due process. All of the inmates except the two (Rodney Toney, and Stewart Longworth Fordan III) were involved in this event on 3/29/20. We were discriminated against, based on our race and subjected to punishments for alleged misconduct deemed acceptable for white prisoners.

Issue 2.) I would like to include Major Fleming, D.O.C, and outside prison, and Ms. Amanda A, all failed to respond to the claims that have been made against this jail. Wrongful action, or theft of my property occurred when I was supposed to receive a Book. I asked to see the

Issue 2 continued.)

(5 of 8)

the policy and why my book was unacceptable. I was told that the policy was for staff only and not inmates. Additionally after contacting outside prea, we were all told to lockdown for a flex count, when other prisoners asked why we are being locked down a C.O. said "ask Davis" I believe they were doing this so other inmates would afflict violence against me in attempt to silence me for writing multiple outside prea.

Major Flemings priority seems to be keeping a book "White Fragility" from me and not violence due to race interesting? Which brings me to my next issue.

Issue 3.)

In this jail there are many pods that will not allow any minorities. In 2013 I had suffered many injuries that required hospitalization at St. Mary's from 8 white inmates in F4 pod. Black inmates are assaulted viciously and often if placed on the pods, and the staff condone it and does nothing to eliminate this behavior. If attempted to be placed on the racist pods, white inmates shout out sayings for example (This is Sparta) to deter black inmates from entering that

Issue 3 continued.)
pod.

(6 of 8)

Issue 4.)

Happening at the moment is my cell mate (Stewart Longworth Jordan III.) He has been suffering from a serious case of Athetes Feet. He is in pain, and both he and I have requested help and attention for him. The nurse gave him a foot cream but it is ineffective and we were both told that Mr. Jordan would receive an alternative treatment for him but still no treatment week's later, Mr. Jordan is still currently suffering.

Issue 5.)

In this Major issue Rodney Toney's left arm was so infected that I had to inform nurse Ashley V. and C.O. Wiley during temp check's about his condition. I told them that if they did not get him help to be treated that whatever happened to Mr. Toney would be on their hands. Over an hour later he immediately had to get hospitalized. I seen and witnessed 4 days after Mr. Toney being gone was brought back into B5 pod ignoring the 14 day quarantine and exposed all

Issue 5 continued.)

of all other inmates to more exposed virus. I have emailed Outside pres about the unsanitary conditions in the midst of the pandemic, but yet nothing has happened or helped the unsanitary condition here. I'm a 40 year old Black man who has had 2 open heart surgeries and I'm most vulnerable as are other Black men. This facility has stopped making a effort to keep us Covid-19 free, they've stopped coming into our pod to spray bleach everyday and they also stopped giving inmates Anti-bacterial bar soap. Again I do not feel safe with how this facility is protecting me in this case from an outside virus.

Issue 6.)

Additionally something to inform you about, the temprature I says its roughly 75° in the pod all day, yet it doesnt messure the temprature in the cells. We can not breathe, its atleast 10° hotter when the cell doors are closed. And please do not insult my intelligence by using pandemic as an excuse faern temperture as it is a cool 67° in the hallways. If it were warm all over then this wouldnt be an issue but its not staff are

Issue to continued.)
 comfortable, we suffer.

I've recieved no response. I've asked why there are no black cooks in the kitchen and why they dont move beyond dishwashers aswell. To the best of my know ledge there are no black women who work here either. Please feel free to see all relevant emails via F.O.I.

"IN ADDITION, AT 3:15 AM ON 8/3/20 I
 HIT THE "BOX" TOO INFORM STAFF PRICE
 & COX THAT MY CELL MATE & I WERE EXTREMELY
 HOT. SO MUCH SO MY ROSE BLEED. WE
 WERE IGNORED AT BOX AT 6:05 AM I
 INFORMED STAFF JORDAN (MY CELL MATE)
 WAS VOMITTING & THAT THE HEAT WAS
 SIMPLY UNBEARABLE. MEDICAL STAFF WERE
 PRESENT BUT WOULD NOT ENTER POD TO
 CHECK ON JORDAN TO ENSURE HIS WELL BEING.
 AS WE SPEAK HE IS LYING IN A POOL OF SWEAT,
 AFTER I PUT HIM IN THE SHOWER TOO COOL
 OFF & CHECKED HIS VOMIT UP. THESE PEOPLE
 ARE SIMPLY ATTERAL NO OTHER WAY TOO SAY IT.
 IVE DONE & I DID TO ASK FOR HELP. WE
 HAVE EVEN BEEN CUT OFF FROM KIOSK FOR
 DAYS. I BELIEVE THIS IS NO ACCIDENT AS IT
 HASNT APPELIED BEFORE I BEGINS MY
 COMPLAINT AGAINST THESE ISSUES.

V. Relief (continued):

have been subjected to. I want \$10,000
for every inmate charged with Assault and
Battery wrongfully and that was discriminated
against. I want \$20,000 for Stewart Jordan
and the pain and suffering that he lives (Cont.)

VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

MAURICE MCGEE, DAVID DAVIS

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No X

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: NOT BETTER THAN I TOO

DEFENSE COMPLAINT IS I HAVE BEEN CALLED

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No X

Relief continued.)
through daily. I want \$100,000 for
Rodney Toney and the surgery done to
his arm. I am to receive 15 percent of
Mr. Toney's settlement as it were I
and I alone am responsible for results
as he acknowledges and agrees too.
Named defendants have 60 days from
receiving this notice to contact me if
they wish to negotiate a settlement
and finalize if not we will proceed
and see the entire process until its end.

Additionally on 8/27/20 at 8:30 a.m.
I asked Sgt. Brewer how to go about
getting the signatures listed on this claim.
He came back and said Lt. Diamond
said no. W. R. F. attempts to destroy my
efforts at every turn.

If so, state the lawyer's name and address:

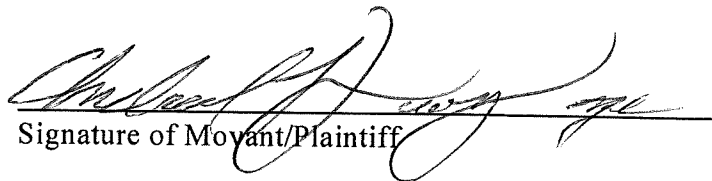
Signed this 8 day of 3/5, 2020



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8/3/20
(Date)


Signature of Movant/Plaintiff

Signature of Attorney
(if any)

Conclusion.)

What I've outlined are clear facts. I was only given one complaint form so I had little choice but to provide as much info as possible. There are clearly two justice systems in America and they also exist in W.R.F. the plausible deniability indifference and neglect of Black inmates has been addressed before, yet has gone unremied this facility embodies the true and correct definition of systemic racism. It is covert, insidious, more deadly as it is a process as opposed to a single action it is a system that is uninclusive that beats you into submission, isolates you ultimately crushing the will, your told these things only exist in your mind so much you almost believe them. You labeled a trouble maker and given medication to dull the mental faculties then dismissed. I will not be so easily discouraged. I feel so strongly about these issues that I have put up my own money to further cause. I hope this is not lost on this court and only legitimates. W.R.F. cares little or if at all for the safety or the well being of black inmates. W.R.F. only wished to punish and discipline black inmates when deemed necessary yet

Conclusion continued)
 allowing white inmates to continue doing
 as they wish.

And if Mr. Toney did not have me to
 champion his calls the infection would have
 spread to his heart and would have been dead.
 Medical does not care either, they are poorly
 trained and dismissive. Please your honor right
 these wrongs, hold them accountable, as I
 have to be accountable for what brought
 me here. Accountability shouldn't be a
 one way street.

8/21/20 10:20AM

Spoke with Counselor STEPP AFTER ASKING
 TO RECEIVE COPIES I SENT ORIGINAL TO COURT
 TODAY.... WAS TOLD THAT I HAD TO GIVE IT
 TOO "HER" TO DO SO I COULD "NOT" SEND CERTIFIED
 OR PRIORITY EITHER. WHEN I DECLINED TO GIVE
 HER MY ORIGINAL SHE LEFT. WRTJ IS ATTEMPTING
 TO KEEP THIS INFORMATION FROM THE COURT
 BY ALL MEANS. PLEASE FEEL FREE TO DEDUCT
 WHAT IS NECESSARY IN ORDER TO PROCEED FROM
 FUNDS AT WRTJ. THANK YOU.

ALFRED DAVIS JR.
C/O CHAVAL PL.
BURBANK CA 91504



BS

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